

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

)  
Eolas Technologies Incorporated and )  
The Regents Of The University Of California, )  
)  
*Plaintiffs and Counterdefendants,* )  
) Civil Action No. 6:09-CV-446-LED  
vs. )  
)  
Adobe Systems Inc.; Amazon.com, Inc.; CDW Corp.; ) JURY TRIAL DEMANDED  
Citigroup Inc.; The Go Daddy Group, Inc.; Google )  
Inc.; J.C. Penney Corporation, Inc.; Staples, Inc.; )  
Yahoo! Inc.; and YouTube, LLC, )  
)  
*Defendants and Counterclaimants.* )  
)  
)  
)  
)  
)

**DECLARATION OF ANDREW L. PERITO IN SUPPORT OF OPPOSITION TO  
PLAINTIFFS' EMERGENCY MOTION TO STRIKE DEFENDANTS' LATE-  
PRODUCED DOCUMENTS, VIDEO DEMONSTRATIVES, SOURCE CODE AND  
PREVIOUSLY UNIDENTIFIED PRIOR ART [DKT. 1317]**

I, Andrew L. Perito, hereby declare:

1. I am an attorney with the law firm of Weil, Gotshal & Manges LLP, counsel of record for Amazon.com, Inc. and Yahoo!, Inc. in the above-captioned matter. I submit this declaration based on personal knowledge following a reasonable investigation. If called upon as a witness, I could competently testify to the truth of each statement herein.

2. Attached hereto as **Exhibit A** is a true and correct copy of a letter from Josh Budwin to all counsel of record for Defendants, dated January 23, 2012.

3. Attached hereto as **Exhibit B** is a true and correct copy of an email from Andrew Perito to Josh Budwin, dated February 3, 2012, sent at 3:05pm CT.

4. Attached hereto as **Exhibit C** is a true and correct copy of an email from Andrew Perito to Josh Budwin, dated February 3, 2012, sent at 4:10pm CT.

5. Attached hereto as **Exhibit D** is a true and correct copy of an email from Josh Budwin to Andrew Perito, dated February 4, 2012, sent at 3:42pm CT.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed: February 6, 2012

/s/ Andrew L. Perito  
Andrew L. Perito  
*Attorney for Defendants Yahoo! Inc. and  
Amazon.com, Inc.*